

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Lemack on March 2, 2010.

The application has been amended as follows:

2. **Claim 1** is rewritten as:

- - A retardation element comprising a substrate, a thin film layer of a ~~liquid crystalline or~~ non liquid crystalline polymer having photoactive groups wherein the thin film is formed on the substrate and the axis of the photoactive groups ~~are~~ is oriented in a micropattern form by photo orientation treatment, and a birefringence layer formed so as to contact with said thin film layer, wherein an axis of birefringence molecules of said birefringence layer is oriented in a micropattern form which is controlled by orientation of the axis of said photoactive groups, and wherein the non liquid crystalline polymer thin film layer is a thin film layer consisting of polymethacryloyl(acryloyl) oxymethoxycarbonyloxyethyl-azobenzene. - -.

3. On **Page 1** of the Specification, new line:

- - This application is a 371 of PCT/JP05/05848, filed March 29, 2005. - -  
is inserted as **Line 1**, between the title "MICROPATTERN RETARDATION ELEMENT"  
and the subtitle "TECHNICAL FIELD".

### **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance.

The closest cited prior art of record, US 2003/0197821 A1, fails to fairly teach or suggest, even in view of US 6,822,713 and US 6,541,185, the retardation element recited above. None of the references teach a thin film layer consisting of polymethacryloyl(acryloyl) oxymethoxycarbonyloxyethyl-azobenzene.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample, can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Sophie Hon/*

Sow-Fun Hon

Examiner, Art Unit 1794